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Enjoyment of human rights by persons with albinism

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero, in accordance with Human Rights Council resolution 28/6.

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Report of the Independent Expert on the enjoyment of human rights by persons with albinism: a preliminary survey on the root causes of attacks and discrimination against persons with albinism

Summary

In the present report, the Independent Expert considers how interrelated factors, including myths, poverty, witchcraft practices and other aggravating factors such as visibility and appearance, contribute to ongoing outbreaks of attacks against persons with albinism and exacerbate pre-existing contexts of discrimination and stigma. The report is not aimed at providing a final analysis of root causes, but at igniting preliminary discussions to facilitate subsequent conclusive work on the subject.

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I. Introduction

1. In its resolution 28/6, the Human Rights Council requested the Independent Expert on the enjoyment of human rights by persons with albinism to report annually to the General Assembly.

2. This is the first report to the General Assembly of the Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero. It serves as an introduction to the root causes of attacks and discrimination against persons with albinism. Specifically, it shows how interrelated factors, including the mythologization of albinism and a related lack of understanding of the scientific bases of the condition, poverty, witchcraft practices and other aggravating factors, such as visibility and appearance, all contribute to ongoing outbreaks of attacks and discrimination against persons with albinism.

3. In preparing the report, the Independent Expert reviewed relevant literature on the topic and analysed responses to a questionnaire sent to Member States, national human rights institutions and civil society organizations. In addition, she has included in this preliminary study outcomes generated from the recently concluded Consultative Forum: Action on Albinism in Africa, hosted by the Independent Expert in Dar es Salaam, from 17 to 19 June 2016. However, given the limited availability of data and in-depth studies based on field research on the topic, the present report does not aim to provide a final analysis of the issue but rather seeks to be indicative by presenting plausible root causes based on available data in order to facilitate subsequent conclusive work on the subject.

II. Root causes

A. Myths

4. Over the centuries and across the world, myths about albinism have been developed and have taken deep root in various cultures. Widespread and long-term ignorance about the condition has given birth to myths, some of them age-old and most of them erroneous. Such myths can be found in various regions of the world, as evidenced in the pejorative names used for persons with albinism across cultures and continents, including "dry pigeon peas", "ghost", "chicken", "strange being", "monkey", "fake white man", "goat" or the "devil in person".[1]

5. Some myths seek to explain albinism and address the reason why a person has the condition. Others attribute specific powers to persons with albinism, demonstrating fear of the unknown and the desire to distance oneself from them. Another group of myths presents ostracism, exclusion and discrimination against persons with albinism as a natural necessity. A number of these myths are highly concerning, as they seek to strip persons with albinism of their humanity and represent them as a means to an end as opposed to an end in themselves.

[1] Under The Same Sun, "Names used for PWA", www.underthesamesun.com/sites/default/files/Names%20used%20for%20PWA.pdf.

On the origins of albinism

6. Albinism is a condition that results in a significant or near total lack of pigmentation in any or all of the skin, hair and eyes. The most significant human rights issues have emerged from myths linked to the form of albinism involving a lack of pigmentation in the skin. This is also the most visible form of albinism. All forms of albinism are together understood as rare, non-contagious, genetically inherited and occurring in both sexes, regardless of ethnicity, in all countries of the world. However, in most communities around the world, albinism is not fully understood.

7. Myths about albinism include the belief that a child with albinism is a curse meted out on the mother or family of the child. It is also sometimes believed that children with albinism are the result of their family's or parent's evildoing and they are therefore considered a punishment to the whole family and community.[2] In most cases, the blame for having a child with albinism is often attributed to the mother because the curse is believed to be matrilineal, transmitted by the mother's side of the family. There are also beliefs that women who give birth to children with albinism are unclean, or even in some cases witches.[3] A similar myth is that the mother of a child with albinism stepped onto something evil, leading to a curse on the whole family.

8. Similarly, myths accuse the mothers of children with albinism of having been unfaithful, specifically for having extraconjugal affairs with a white man,[4] with a ghost or with a spirit such as the *tokolosh* (a malevolent spirit in the Shona tradition). There is also a myth that children with albinism are the product of incest.[5]

9. Further, it is also sometimes believed that albinism can be contracted by being in contact with albinism. The same myth is extended to things that have been touched by persons with albinism. There are also beliefs that if a pregnant woman looks at a person with albinism, even unintendedly, her unborn child will be born with albinism, unless she spits to neutralize the "curse".[6] Persons spit at the person with albinism, on the floor, inside their shirts or on their stomachs in the case of pregnant women. One mother of a child with albinism reported that she gave birth to a child with albinism for having herself stared too hard at a person with albinism while fetching water during her pregnancy.

10. Other myths seek an explanation in existing traditional beliefs associated with childbirth. It has been reported, for example, that the birth of children with albinism could be linked to the "snake inside the woman" turning away from that pregnancy.[7] The snake is considered the protector of the pregnancy, monitoring it. Other explanations are that a child born with albinism was conceived when a woman had

[2] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin: beliefs and stereotypes around albinism at a South African University", in *African Journal of Disability*, vol. 4, No.1, (2015).

[3] Muthee Thuku, "Myths, discrimination and the call for special rights for persons with albinism in sub-Saharan Africa", January 2011.

[4] Ibid.

[5] Ibid.

[6] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

[7] Ibid.

intercourse while she was menstruating.[8] Further, some mythological beliefs seek to explain the condition by advancing that the mother of the child with albinism was struck by lightning[9] or that albinism occurs when a mother does not consume enough salt in her diet.

11. The lack of understanding of the condition is also illustrated by myths that persons with albinism cannot have children who do not have albinism, or that they are sterile.[10] Furthermore, it is often believed that persons with albinism can only be found within one's proximate race; consequently, the worldwide status of the condition is often not generally known. This narrow understanding of the frequency of albinism feeds into myths which present the condition as a particular problem supernaturally aimed at specific women and families.[11]

12. It is evident that none of these myths are true, yet they demonstrate the lack of understanding of the genetic nature of albinism. This absence of scientific knowledge and the resort to myths to provide explanations concerning albinism lead to discrimination against persons with albinism and their families, mothers in particular. However, this should not lead to the conclusion that public education alone will eradicate these myths. Evidence shows that even where the truth and the scientific basis of albinism are known, they can co-exist with myths.[12] Scientific explanations of the origins of albinism can answer the question "why?". But they fail to answer particular, localized and personal questions such as "why in this particular person?" and "why at this particular time and place?". The inability of science to answer these questions means that many turn to explanations proposed by supernatural beliefs such as witchcraft, and its practitioners, also known as witchdoctors.[13]

Special powers

13. Myths attributing special powers or qualities to persons with albinism tend to dehumanize persons with albinism. Such myths do not seek to provide an explanation for the condition but aim to single out persons with albinism by imputing non-human or superhuman features to them.

14. This is the case, for example, in the myths that persons with albinism cannot see during the day but have excellent vision at night,[14] that desirable minerals such as mercury and gold flow through their veins or that they float on water and cannot drown. Other myths seeking to dehumanize persons with albinism include those portraying them as cannibals or monstrous creatures in certain folktales, literature and films,[15] or claiming that they can communicate with non-earthly or extraterrestrial beings.

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[8] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[9] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).
[10] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[11] Ibid.
[12] Charlotte Baker and others, "The myths surrounding people with albinism in South Africa and Zimbabwe", *Journal of African Cultural Studies*, vol. 22, No. 2 (2010).
[13] Michael Bourdillon, *The Shona Peoples* (Gweru, Zimbabwe, Mambo Press, 1987), cited in Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).
[14] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[15] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

15. Furthermore, myths also portray children with albinism as symbols of evil spirits that need to be chased away. To do so, it appears that rituals are conducted whereby the child is forced to drink a potion or go through other ritual ceremonies and trials by ordeal.

16. Most potent is the belief that persons with albinism can be used in money-making rituals and for good luck charms and amulets. The crux of this belief is the notion that the body parts of persons with albinism — their skin, hair, genitals and limbs — can generate financial and other desirable gains when used for witchcraft rituals, practices and paraphernalia.

17. There is also the myth that intercourse with female persons with albinism can cure infertility, sexually transmitted infections and, in particular, HIV/AIDS. This has led to the rape and forced prostitution of women and girls with albinism, some of whom end up contracting various infections. Cases have been reported of young girls with albinism being prostituted by their family to customers who thereby expect to be cured of HIV/AIDS. It is believed that cases of this sort are underreported owing to various factors, including a pre-existing context of myth-led discrimination against persons with albinism, the stigma of reporting rape and the likelihood of further abuse. Such lack of reporting is bound to aggravate the already oppressed and disenfranchised situation of women and girls with albinism.

Myths that supernaturalize persons with albinism

18. Beliefs that attribute supernatural qualities to persons with albinism serve only to dehumanize them. Such beliefs deify or demonize persons with albinism, and present as natural the exclusion, stigma and discrimination they face. This is the case, for example, in the widespread myth that persons with albinism do not die, but simply disappear. This myth is particularly disturbing because it justifies any sudden and inexplicable disappearance of a person with albinism from his or her community. This belief poses a strong risk to persons with albinism by proactively providing an acceptable explanation to the community for the disappearance of a person with albinism after an attack. Further, the existence of such a myth supports the hypothesis that violations of the life and security of persons with albinism predate the contemporary attention given to the issue.

19. The myth that persons with albinism naturally have a short lifespan is also prevalent. It appears to supply an explanation for the relatively high frequency of early deaths among persons with albinism. Such early deaths, which particularly correlate with the myth that persons with albinism disappear, also appear to be strongly linked to the prevalence of skin cancer and the high number of early to midlife fatalities recorded among them on account of this preventable disease. There is an urgent need to address this disease through the provision of both preventive and curative measures that are accessible and affordable or free, particularly in rural areas.

20. Similarly, myths that persons with albinism are destined to experience poor fortune and cannot do well in life are also a reflection of the discrimination they face on a daily basis. Unfortunately, too often, given the myth-driven historical context of discrimination, there is a disproportionately small number of persons with albinism able to disprove this myth with the example of their lives. Other beliefs, that persons with albinism are unable to learn or are mentally challenged, illustrate the particular discrimination they face regarding access to education,

including persistent bullying and the absence of reasonable accommodation for the vision impairment that is often part of albinism.

21. There are rare cases where persons with albinism are deified or viewed as having godlike qualities. For example, the Guna people in Latin America give a special place to persons with albinism as protectors. Tales of persons with albinism being considered as water deities or as natural chiefs have also been reported. While deification and positive supernaturalization of persons with albinism may appear to be desirable, this is not an ideal state because the person with albinism is still the subject of myths unfounded on fact or science. Consequently, their dignity remains grounded in subjective narratives and not in their objective status as human beings.

B. Impact of myths on persons with albinism

22. Myths yield several interrelated consequences. According to contributions received by the Independent Expert, these consequences are manifested in the lives of persons with albinism in the form of abandonment by their families; normalized isolation and discrimination by their communities; vulnerability to attacks; and infanticide.

Abandonment by the family

23. In areas where myths are prevalent, the birth of a child with albinism is often viewed as a social tragedy. Ridicule, blame-throwing, harrowing family intervention and pressure placed on parents or on the mother of the child are commonplace. Because of the social stigma attached to having a child with albinism, fathers of children with albinism sometimes decide to abandon their partners, leaving those children to be brought up in challenging conditions by single mothers. Often, such a single mother and her child are further relegated to the fringes of the community to avoid contaminating others with her "curse". In other instances, mothers voluntarily relocate away from the community to minimize taunts and harassment from others. Therefore, raising a child with albinism in these contexts, either as a single mother or in a family, is synonymous with a life of exclusion and poverty — one that leaves the child with albinism vulnerable to both sexual and physical attack, as has been demonstrated by reported cases. In other cases, children with albinism have been abandoned or rejected from their birth by both mother and father and have grown up in orphanages and on the streets.

Normalized isolation and discrimination

24. In an environment where having albinism is regarded as a curse and where the myth that albinism can be contracted like a contagious disease is prevalent, crossing the road to avoid walking near[16] or refusing to shake hands with persons with albinism is commonplace.[17]

[16] Nathalie Wan, "'Orange in a world of apples': the voices of albinism", *Disability and Society*, vol. 18, issue 3 (2003) and R. Onoja and A. Airahoubor, "Albinos: tales of mockery, rejection" *Newswatch*, 18 December 2006, quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[17] Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

25. In addition, such fear of contagion can be extended to objects touched by persons with albinism. In the words of a person with albinism, "some people will not touch what I touch. In the bus no one wants to sit next to me. People don't want to shake hands with me, share utensils, touch me or come near".[18] Similarly, another person with albinism reported that people refuse to share a taxi with him.[19] Further, as a result of such beliefs, people are sometimes reluctant to eat any food that has been touched by persons with albinism. This is particularly stigmatizing in a context where persons eat from a common pot. It also raises difficulties for persons with albinism working at markets, as customers may prefer other sellers.

26. Family members, friends and service providers are not immune to the practice of self-distancing from persons with albinism. This is illustrated by the following testimony of a person with albinism: "my mother distances herself from me ... I had girlfriends who preferred to quietly meet me away from the public. You go to a party; they won't want to dance with you".[20] Similarly, it was reported that, in certain cases, nurses and other medical professionals, including physicians, were reluctant to touch or treat patients with albinism.[21] In such a context, it is not uncommon that persons with albinism self-limit their interactions within the community and shy away from attending school.

Vulnerability to attacks

27. Community support and integration have been identified as key protection measures for persons with albinism. Therefore, excluding and ostracizing persons with albinism have a direct impact on their safety and make them more vulnerable to attacks. Ostracized and physically distanced, those who are in most dire need of protection are rendered more vulnerable. The exclusion of mothers of children with albinism by their family and community throws them into deep poverty. Not only are these women physically distanced from others, they tend to live in insecure homes, which leaves them easy prey to perpetrators of attacks. They are often left exposed to attacks where no one will respond in time, or at all, to their call for help.

28. Similarly, myths contribute to minimizing the social impact of attacks against persons with albinism and justify their disappearance. In this regard, the testimony of a digger is telling as he explains that myths are used to "deceive people because the *waganga* [witchdoctors/traditional healers] believe that the *zeruzeru* [a pejorative term for a person with albinism] aren't missed in the community. They believe that they are not useful people and if they die they are not lost".[22]

29. In addition, the myths fuel the discrimination and abuse to which persons with albinism are subject at school, and this increases bullying, taunting and harassment,

[18] Ibid.

[19] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

[20] R. Onoja and A. Airahoubor, "Albinos: tales of mockery, rejection", *Newswatch*, 18 December 2006, quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[21] M. Masha, "What kind of black are you?" *The Tanzania Guardian*, 2004, and C. Baker and M. Djatou, "Literary and anthropological perspectives on albinism" in *Crossing Places: New Research in African Studies* (Cambridge Scholars Publishing, 2007), quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[22] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic: Artisanal Mining, the Albino Fetish and Murder in Tanzania* (Cambridge University Press, 2010).

which in turn increases their dropout rates. High dropout rates throw them into a cycle of poverty that is hard to break. Poverty in turn predisposes them to abuse and exposes them to attack.

Infanticide

30. One of the most extreme consequences of adhering to myths concerning albinism is infanticide. Although cases of infanticide of children with albinism are very hard to document, anecdotes and folk stories about the killing at birth of such children, particularly in rural areas, are common.

31. This seems to be a historical trend, as the nineteenth century Scottish missionary David Livingstone described the killing of a young boy with albinism by his mother: "the mother is said to have become tired of living apart from the father, who refused to have her while she retained their son. She took him out one day, and killed him close to the village of Mabotsa, and nothing was done to her by the authorities".[23]

32. Such stories have also been reported in contemporary times. Village folklore describes how mothers are advised by midwives to sit on their babies or asphyxiate them at birth if they have albinism. In other cases, it seems that the child is left to die, with no food. Similarly, it has been reported that children with albinism have been instantly killed at birth for fear of the shame attached to the condition, or because of a belief that they bring bad luck.[24] Other folklore describes practices such as drowning children with albinism in a lake or placing babies with albinism at the exit gate of a cow pen, where they are left to die from being trampled on by cattle.[25] Still other folklore recounts the ritual killing of children with albinism, who have been accused of being witches, by putting them in bags and smashing the bags against a tree.

C. Witchcraft beliefs and practices

Definition

33. The Oxford dictionary defines witchcraft as "the practice of magic, especially black magic; the use of spells and the invocation of spirits". However, it appears that witchcraft has many connotations and is subject to many interpretations, such that "objective definitions of witchcraft are unsatisfactory because its real meaning derives from relationships, shared experiences and individual feelings", and consequently "meanings of witchcraft are so varied because the concept is so versatile".[26]

34. The Witchcraft and Human Rights Information Network stresses that there is no universally accepted definition of witchcraft and the term means different things to different people in different places. Primarily witchcraft can be seen as a negative, malevolent force which is used by people in the spirit realm to bring about

[23] David Livingstone, *Missionary Travels and Researches in South Africa*, 1857.

[24] Methusela Masanja, Zebedayo Mvena and Kim Kayunze, "Albinism: awareness, attitudes and level of albinos' predicament in Sukumaland, Tanzania" in *Asian Journal of Applied Science and Engineering*, vol. 3, No. 5 (2014); Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[25] Under the Same Sun, contribution to the mandate of the Independent Expert, unpublished.

[26] Malcolm Gaskill, *Witchcraft: A Very Short Introduction* (Oxford, 2010).

harm in the physical realm.[27] In 1974, Marc Augé defined witchcraft as "a set of beliefs, structured and shared by a given population, that addresses the origin of misfortune, illness and death, and a set of practices for detection, treatment and punishment that corresponds to these beliefs".[28]

35. Some countries with a record of attacks against persons with albinism have identified as a major problem the ambiguity between witchcraft on the one hand and the practice of traditional, herbal or alternative medicine on the other. This is further complicated by the secrecy surrounding witchcraft and the resulting difficulty in identifying its real practitioners in all cases. These matters raise the question of whether and how these occupations ought to be defined and regulated as a means of preventing human rights violations allegedly and actually committed by their practitioners. There is also the issue of whether witchcraft beliefs should be given any form of legal character or recognition when it is largely a supernatural phenomenon. Often, these issues are further complicated by the fact that many legal instruments addressing witchcraft are outdated and disconnected from current social realities.

36. The present report will focus on the aspect of witchcraft relating to the ritual killing of persons with albinism for the use of body parts (also referred to as *muti* or *juju*), for the ultimate goal of obtaining an advantage or causing harm, or for any other purpose which necessitates the attribution of supernatural powers to the body parts.

Prevalence of witchcraft-related practices in countries with reported attacks

37. In the 26 countries where attacks against persons with albinism have been reported to date, all of which are in sub-Saharan Africa,[29] belief in witchcraft and witchcraft practices have been reported, including by civil society and the media. The beliefs do not seem constrained by socioeconomic class, level of education or location; both urban and rural areas are affected. Witchcraft beliefs and practices are referred to in everyday conversation, and they seem to be socially accepted means of handling issues, providing explanations for unusual occurrences or establishing responsibility in cases of misfortune. Witchcraft beliefs and practices are also used to justify accusations stemming from envy, hatred, vengeance and other similar vice.[30] Belief in witchcraft allows people to make sense of their seemingly arbitrary misfortune and to blame a particular person. This blame is often targeted at persons in one's immediate social circle, after consultation with a witchdoctor.[31]

38. Various authors have emphasized the continued reliance on witchcraft in many African societies and the necessity to take the phenomenon into account to fully understand the contemporary social context.[32] It has also been reported that, despite

[27] www.whrin.org/frequently-asked-questions/.

[28] Marc Augé, *La construction du monde* (F. Maspero, 1974), quoted in UNICEF, "Children accused of witchcraft: an anthropological study of contemporary practices in Africa", available from www.unicef.org/wcaro/wcaro_children-accused-of-witchcraft-in-Africa.pdf.

[29] Under The Same Sun, "Reported attacks of persons with albinism", 21 June 2016.

[30] Simeon Mesaki, "Witchcraft and witch killing in Tanzania" (Ph.D thesis, University of Minnesota, 1993).

[31] Ibid., and Edward Miguel, "Poverty and witch killing" in *Review of Economic Studies*, vol. 72, No. 4 (2005).

[32] R. Abrahams, *Witchcraft in Contemporary Tanzania* (Cambridge, African Studies Centre, 1994), Peter Geschiere, *The Modernity of Witchcraft: Politics and the Occult in Postcolonial Africa* (University of Virginia Press, 1997), H. Moore and T. Sanders, *Magical Interpretations, Material Realities* (Routledge, 2003), cited by Simeon Mesaki, "Witchcraft and the law in Tanzania" in *International Journal of Sociology and Anthropology*, vol. 1, No. 8 (2009).

opposition by religious leaders, access to basic education, and the enactment of legislation criminalizing witchcraft accusations and some forms of practice, witchcraft still remains embedded in society.[33] It remains attractive to a significant number of people as it promises a holistic explanation for human hardships, including by linking socioeconomic misfortunes to other apparent "misfortunes", such as the birth of a child with albinism in a family.

Witchcraft beliefs and practices relating to albinism

39. The vast majority of attacks against persons with albinism have been carried out in order to harvest body parts. There are beliefs that drinking the blood of persons with albinism gives extra magical power[34] or that it has magical properties and brings prosperity and good luck.[35] Fingers of persons with albinism are reportedly worn as necklaces and amulets.[36] Bones of persons with albinism are used to successfully mine for gold and other desirable minerals. Hands of persons with albinism are burned to ashes and mixed in a paste to cure strokes; blood of persons with albinism is used to boost vitality and intellectual capacity, as well as for political power and business. Hair has been touted as useful for agriculture.[37] Genitals, breasts and placentas are used to cure infertility and create good luck.

40. There is a witchcraft belief that the screams of a victim being attacked for *muti* or *juju* enhance the power of the body parts; hence victims are often hacked while alive. In addition, there is a witchcraft belief that the greater the innocence of the victim whose body parts are being used, the greater the potency of the potion or amulet. This renders children, already vulnerable to attacks, a preferred target.

41. Beliefs that potions containing body parts of persons with albinism can help with relationship problems or restore peace in the family also exist. Further, it is believed that when used in a fragrance, hairs of persons with albinism can be useful for women who want to seduce white men, or for keeping employment.[38] The use for good luck of perfumes or soaps made with body parts of persons with albinism was also reported.

42. Further witchcraft beliefs are that placing the skull of a person with albinism in the foundation of a new building will bring luck to the building, that burying body parts in key places on a farm ensures big harvests and that inserting the hand of a person with albinism into the entrances of shops encourages customers to come. It was also reported that fishermen weave hair of persons with albinism into their nets or use the skin of persons with albinism to brush their nets to enhance fishing. Body parts are also sought after for protection, for example against plane crashes.[39] It is also believed that body parts can protect one against witches and that burying a body part of a person with albinism in one's house will keep witches away.

43. A witness reported: "witchdoctors told me that they kill persons with albinism and use their organs to make magic potions for their clients who want to become

[33] Simeon Mesaki, "Witchcraft and the law in Tanzania" in *International Journal of Sociology and Anthropology*.
[34] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[35] Ibid.
[36] Ibid.
[37] Stéphane Ebongue, "Jolibeau's travels" (unpublished video).
[38] Ibid.
[39] Ibid.

rich and successful".[40] Similarly, a witchdoctor admitted to the use of bones of persons with albinism after being instructed by his ancestors, stating that "good witchcraft is when one uses organs of a dead person with albinism" while "bad witchcraft is when one kills a person with albinism for their body parts".[41] In another interview, a witchdoctor explained that "from their hair to their bones, albinos are sought after. When we hear that an albino has died somewhere, we try to find out where he has been buried in order to recover some parts which are really important to help us ... we even kill albinos because we need certain parts of their bodies".[42] In addition to attacks against persons with albinism, such witchcraft beliefs have often led to the desecration of their graves.

44. Rituals involving the use of body parts of persons with albinism have been reportedly used by football teams, wrestlers and musicians. Similar practices were reported for the purpose of winning an election, obtaining a job or promotion, or for business success.

45. It was reported that witchcraft beliefs and associated practices relating to the body parts of persons with albinism have led to an underground black market in the purchase and sale of body parts. This entire phenomenon seems to have no historical precedent.[43] Yet there is a reasonable link between historical discrimination and stigma (including myths relating to disappearances and infanticide) on the one hand and the current situation of attacks on the other — the former laying the foundation for the latter.

46. Witchcraft beliefs and practices as they relate to albinism have essentially capitalized on a myth-riddled situation, to the benefit of practitioners and willing believers. Further, the relative rarity of body parts of persons with albinism has been capitalized upon by the witchcraft beliefs which proffer that the body parts can attract equally rare minerals, such as gold or diamonds.[44] The same argument with regard to rarity appears to have informed the market value of body parts, such that "the albino fetish has become the most expensive charm because it is perceived as harnessing spirits that are far more powerful than ... a *waganga* [witchdoctor/traditional healer] could otherwise offer".[45]

47. Today, it is highly concerning that witchcraft beliefs surrounding albinism have spread widely and that persons with albinism are often nicknamed "asset", "money", "deal" or "million" in reference to the alleged value of their body parts. Such taunts are reportedly widespread in both rural and urban environments, particularly in countries where attacks on persons with albinism are reported.

48. In addition, there have been cases where persons with albinism themselves have been accused of witchcraft and persecuted as a result. This can be linked to some of the dehumanizing myths described above. Mothers of children with albinism have also, in certain instances, been accused of witchcraft for giving birth to a child with the condition.

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[40] Contribution to the mandate of the Independent Expert by Under The Same Sun (unpublished, 2016).

[41] Ibid.

[42] Stéphane Ebongue, "Jolibeau's travels" (unpublished video).

[43] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[44] Ibid.

[45] Ibid.

D. Impact of witchcraft beliefs and practices on persons with albinism

49. Civil society reports nearly 500 cases of attacks against persons with albinism across 26 countries.[46] They include various forms of attack, including physical assault, murder and sexual violence tied to witchcraft beliefs and practices. In relation to the relatively small numbers of persons with albinism, usually in the single digits of thousands to tens of thousands per country, this number of cases is highly concerning. Moreover, these are reported cases alone. Civil society activists on the issue believe far more cases go unreported owing to family collusion and the secrecy surrounding witchcraft practices.

50. Victims of attacks and their families are left deeply traumatized and are in dire need of assistance in rebuilding their lives and restoring their dignity, including psychosocial assistance.

51. In this context and owing to their visibility in most of the affected communities, persons with albinism, and parents of children with albinism, constantly live in fear of attack. Many do not sleep peacefully and have deliberately restricted their movements to the necessary minimum, during daylight hours and when escorted by trustworthy persons. Mothers have sent their children to live with relatives or in boarding schools. Yet, even there the fear remains, as such establishments are often in need of increased security measures.

52. Other children have dropped out of school or have been withdrawn by their family to remain under the protection of their parents. The security of children both on the way to school and at school cannot be ensured, including during recesses. Most rural schools do not have basic security items such as fences to ensure the children's protection.

53. The livelihood of parents of children with albinism has also been affected by these atrocities. Owing to the need to stay at home and protect their children, parents do not tend their crops or go to market. Similarly, adults with albinism avoid attending to their farms and gardens as they used to. This has driven families already living in poverty into dire straits.

E. Poverty

Poverty in the countries affected by attacks

54. The Human Development Index, which is a strong indicator of poverty and correlating factors, showed in 2014 that of the 26 countries where attacks have been reported, 20 were listed as countries with a low human development coefficient; the other six affected countries were listed in the medium human development category. That said, it is noteworthy that, overall, the affected countries had a level of income inequality that ranged from relative equality to relative inequality, with a GINI coefficient range of 30.8 to 63.9, the average for all 26 countries being 44.3.[47]

55. While the majority of countries affected by attacks are among those with a low human development coefficient, one cannot conclude that there is a strict correlation between poverty, inequality and attacks. Yet it is undeniable that poverty is a

[46] Under The Same Sun, "Reported attacks of persons with albinism" (see footnote 29).

[47] http://hdr.undp.org/en/content/income-gini-coefficient (data for 2013).

common feature of most affected countries and that, combined with other factors, it contributes to and facilitates attacks against persons with albinism.

Poverty as an incentive to commit crimes against persons with albinism

56. In a context of poverty, and in view of the reported black market value of body parts of persons with albinism, the perceived possibility of becoming rich quickly is a strong incentive for attacks. Perpetrators recruited to abduct or kill a person with albinism, or informants revealing where persons with albinism live, are often promised a sum of money. Similarly, traditional healers or herbalists in a difficult economic context may be tempted to take advantage of myths and witchcraft beliefs concerning albinism to go beyond using herbs and animal body parts to using body parts of persons with albinism to attract a higher price for their services.

57. Furthermore, and given the high number of relatives of persons with albinism involved in such crimes, it could be argued that, in a context where a family member with albinism is often perceived as both a social and economic burden, relatives could be tempted to connive in such attacks, thinking erroneously that in doing so they could earn some income, while alleviating the "curse" or economic burden brought by their family member with albinism.[48]

58. Although it is likely, given the alleged prices for body parts, that relatively wealthy individuals are involved in the attacks and in the market for body parts, some testimonies indicate that the demand for and use of body parts also comes from social classes with relatively limited economical means. There are reports of the use of body parts by fisherman wishing to increase their catch, artisanal miners, entrepreneurs and small business owners.

59. Nevertheless, it is important to state categorically that none of the testimonies received by the Independent Expert supports the proposition that anyone, whether perpetrator, witchdoctor, traditional medicine practitioner, herbalist or buyer, has become wealthier after taking part in such attacks or after using charms and potions involving body parts of persons with albinism.

Poverty of persons with albinism

60. The marginalization of, discrimination against and exclusion of persons with albinism or their parents, particularly mothers, often means that they are not supported by the community in times of need, are sometimes excluded from economic programmes or benefits, and are unable to rely on relatives and other similar social networks that often cushion economic hardship. The results of such exclusion include poverty, lack of education and corollary issues of unemployment, poor housing and ill health.[49] These factors render them hyper-vulnerable to abuse and attacks, because perpetrators are aware of their disenfranchisement and their lack of resources and redress in the face of crime committed against them.

61. Fear of attacks has also worsened the economic situation of persons with albinism who are not able to cultivate their land, go to the marketplace or initiate

[48] See, for example, Edward Miguel, "Poverty and witch killing" (see footnote 31).

[49] Adrian Bonner, *Social Exclusion and the Way Out: an Individual and Community Response to Human Social Dysfunction* (John Wiley and Sons, 2006), quoted by Benson Mulemi and Urbanus Ndolo, *Albinism, Witchcraft and Superstition in East Africa: Exploration of Bio-cultural Exclusion and Livelihood Vulnerability* (Catholic University of Eastern Africa, 2014).

economic activity in freedom. The same can be said of parents of children with albinism, who often have to curtail their economic activity to accommodate the need to watch over their children day and night and to escort them to and from school. This strain on family economics increases the likelihood that a child with albinism will be viewed as a burden or curse on the family. This in turn increases the child's vulnerability to attacks initiated or facilitated by family members.

62. The insecurity of persons with albinism is directly affected by their poor living conditions. Some abductions and attacks have reportedly occurred in houses that do not have the most basic security features, including windows, wooden doors or locks. Most families living in such conditions do not have access to a phone line to call for help and do not have any means of transportation to rush persons who have been attacked to the closest medical facilities.

Correlation between poverty and witchcraft

63. Various authors have pointed out the connection between poverty and witchcraft and stressed that people with albinism in various parts of Africa experience attacks and threats to their safety as a result of superstitions, including witchcraft, which tend to thrive in time of economic deprivation.[50]

64. An analogy can be drawn from the positive correlation found between witch-hunting and poverty. In his study of the phenomenon of witch killings, Edward Miguel[51] uses rainfall variation to estimate the impact of income shocks on murders in rural areas of the United Republic of Tanzania. He noted that rainfall extremes (drought or flood) led to an income drop, and linked that information to data on witch killings in the villages. While undesirable levels of rainfall led to a large increase in the number of murders of "witches", it had no impact on the number of other types of murder. He concluded that income drops caused by undesirable levels of rain and related economic hardship are key factors in the killings of so-called witches. A similar correlation was established in a study by Emily Oster[52] which focused on the Renaissance period in Europe. She noted that one of the sharpest drops in temperature, which negatively impacted economic growth, coincided with the reinvigoration of witchcraft trials. Both studies highlight the link between poverty or income reduction and reliance on supernatural beliefs, including witchcraft, for explaining the misfortune.

F. Aggravating factors

Socioeconomic flux

65. In addition to Miguel's correlation of income and witchcraft, it has also been documented that there can be a plausible link between the surge in occult practices, including witchcraft, and the pressures and opportunities people are faced with in a

[50] See, for example, Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2); Dora Semkwiji, "The plight of albino in Tanzania: what should be done?", Economic and Social Research Foundation, 2009.

[51] Edward Miguel, "Poverty and witch killing" (see footnote 31).

[52] Emily Oster, "Witchcraft, weather and economic growth in Renaissance Europe" in *Journal of Economic Perspectives*, vol. 18, No. 1 (2004).

changing socioeconomic order.[53] A study of specific mining towns where the use of body parts of persons with albinism in lucky charms has been documented indicates that the cumulative influx of a large number of migrant miners, generational and cultural divides within the local villages, and the social change propelled by the rapid focus on mineral extraction for income in the local economy are among the factors which triggered a symbiotic relationship between miners seeking luck and comparative advantage in their work on the one hand and the witchdoctor on the other hand.[54]

66. Witchcraft is therefore, at least in part, a means of reconciling the traditional with the modern, the former promising to answer questions deemed unanswered by the latter. However the explanations provided by witchcraft are often not grounded on fact but are based on myths and pre-existing beliefs, for which the witchdoctor has a solution at a price. The situation bears strong elements of fraud. To the extent that it solves socioeconomic problems, at best, it supplies only a limited form of social justice and equity as it fails to address the real causes of problems and ultimately leads people to resign themselves to their "misfortunes" instead of accurately understanding and resolving them.[55]

Sociopolitical factors

67. Information has been received that killings are known to peak during election times as demand for magical potions by politicians seeking election or re-election goes up.[56] Civil society reported that, prior to several elections in the African region, the number of reported attacks increased in various countries.[57] Internal conflicts or political tensions also provide a framework of uncertainty conducive to reliance on supernatural beliefs and witchcraft practices.

Visibility of persons with albinism

68. The appearance of persons with albinism makes them stand out, particularly in environments where the majority of the population have darker pigmentation and the contrast between the two groups is stark. Persons with albinism are therefore a visible minority group whose appearance and colouring has made them subjects of instantaneous discrimination.[58] Their stigma, the lifelong social exclusion and general discrimination they face, is a similar experience to that of vulnerable racial

[53] Henrietta Moore and Todd Sanders, *Magical Interpretations, Magical realities* (Routledge, 2001). Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22); see also John and Jean Comaroff, "Policing culture, cultural policing: law and social order in postcolonial South Africa" in *Law and Society Inquiry*, 2004, cited in Chi Adnna Mgbako, Katherine Glenn, "Witchcraft accusations and human rights: case studies from Malawi" in *George Washington International Law Review*, vol. 43, 2011.

[54] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[55] Simeon Mesaki, "Witchcraft and witch killing" (see footnote 30).

[56] Muthee Thuku, "Myths, discrimination" (see footnote 2); see also Sabbath M. Uromi, "Violence against persons with albinism and older women, tackling witchcraft in Tanzania" in *International Journal of Education and Research*, vol. 2, No. 6 (2014).

[57] Contributions to the mandate of the Independent Expert by Standing Voice, Association des Femmes Albinos Espoir du Burundi, Doudou Ndiaye, Association Nationale des Albinos du Sénégal, Tanzanian Albinism Society (all unpublished, 2016).

[58] See, for example, Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

minorities because of their skin colour.[59] This factor leaves open the possibility of addressing this root cause under laws prohibiting "racial discrimination" on the "ground" of "colour".[60]

Skin cancer and lesions

69. Lack of information about the need for special sun protection for persons with albinism, who lack natural protective pigment, is highly detrimental. The absence of access to sunscreen lotions or sun-protective clothing, as well as lack of adequate, affordable and accessible medical care, leaves persons with albinism highly vulnerable to skin cancer. It is not uncommon for persons with albinism to die of skin cancer before the age of 40 and for children younger than age 5 to present with pre-cancerous lesions. These health issues, in tandem with discrimination, poverty and lack of education, are amongst the factors responsible for the very high number of skin cancer fatalities among persons with albinism in sun-intense countries.

70. The general lack of awareness of the link between albinism and skin cancer has led to the belief that pre-cancerous and cancerous lesions on a person with albinism are a necessary part of albinism. The appearance of such lesions adds more stigma to an already stigmatized appearance and exposes a person with albinism to further discrimination.

71. In a context where factual and scientific information on albinism is generally lacking or remains inaccurate, the disfiguration caused by skin cancer of persons with albinism may serve to strengthen myths and witchcraft beliefs, particularly those that supernaturalize and dehumanize persons with albinism. Given that such disfiguration is particularly commonplace where attacks have been reported, the prioritization of health interventions is bound to prevent illness, early death and attacks.

Remote rural and border areas

72. Although various attacks have been reported in urban areas, persons with albinism living in remote rural areas are particularly targeted. The situation is pronounced in border communities. The resource shortage faced by law enforcement in these areas, and the absence of civil society organizations to follow up on reported cases, are key intervening factors explaining this trend. Further, given that these areas are often challenged by a significant lack of access to information and education, myths about albinism and witchcraft practice tend to be more rampant there. Weak border patrol is also an issue in these areas as it facilitates cross-border trafficking of persons and body parts. In this regard, there is a crucial need for bilateral and multilateral agreements enhancing cooperation between the police of States sharing a common border to improve the investigation and prosecution of cross-border cases. This is particularly important for prosecuting more end-users of body parts since they are sometimes located in countries bordering the one where the victim was attacked.

[59] Rita Izsák, Independent Expert on minority issues, in a press release issued on 4 May 2013: "Persons with albinism must not be treated as 'ghosts'".

[60] Office of the United Nations High Commissioner for Human Rights and Organisation Internationale de la Francophonie, outcome report of the Expert Meeting on Persons with Albinism: Violence, Discrimination and the Way Forward, 24 September 2014 (unpublished).

Education

73. Lack of public education on albinism is closely linked to widespread myths regarding the condition. This is why the need for sustained awareness-raising initiatives on the issue cannot be overstated. That said, awareness-raising and public education initiatives cannot replace concrete action, but ought to be carried out as part of a broader action plan such as the one being developed at the African regional level.[61] Education of persons with albinism about their condition and their rights is also necessary to counter myths and misbeliefs.

74. Further, there is a need to formally educate persons with albinism because such a person becomes a role model and demystifies misbeliefs about the condition. However, there remains the challenge of discrimination at schools, which is linked to ongoing myths and ignorance on the part of both students and teachers alike. Moreover, the lack of support and reasonable accommodation, including the provision of low vision devices, for persons with albinism remains a substantive barrier to education. These issues have led many children with albinism to stop their education. School dropout has a particularly severe impact on children with albinism because it destroys their chances of finding work indoors, which in turn exposes them to poverty and skin cancer, conditions paving the way to early death due to ritual attacks and skin cancer respectively.

Media and the arts

75. The characterization of persons with albinism in films and literature has largely been belittling, negative and caricature-peddling.[62] Although there is reason to be optimistic on the basis of new trends in the past five years, there remains a lot of work to be done because "modern movies, novels, television programs, etc. still insist on using albinism for its shock value..., rather than present the facts about the condition since these do not lend themselves to an interesting story. Storytellers choose to use the physical appearance of albinism to invent their own fantasies, and expose their own superstitions and fears" [about the condition].[63] It has also been reported that the Nigerian film industry, by similarly portraying persons with albinism and normalizing witchcraft, contributes to the spreading of myths and encourages resort to witchdoctors in times of misfortune or hardship.

76. The mass media has also been accused of fuelling attacks by irresponsible reporting of the issue. Critics argue that the publishing of prices for body parts could create an incentive for attacks where none previously existed. They point out best practices from reports on drug trafficking whereby some media refuse to publish the market value of drugs confiscated by police so that potential drug traffickers are not tempted by reading about it. While there are no studies establishing a correlation between increased media attention on the issue and increased attacks, it is unreasonable to completely deny the possibility that the publishing of alleged prices of body parts may incentivize profiteers.

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[61] See, for example, Dora Semkwiji, "The plight of albino in Tanzania: what should be done?" (see footnote 50).

[62] Charlotte Baker, "Writing over the illness: the symbolic representation of albinism" in *Social Studies of Health, Illness and Disease* (Rodopi 2008), quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[63] Virginia Small, "Sociological studies of people of colour with albinism", 1998, quoted by Muthee Thuku, "Myths, discrimination" (see footnote 3).

Impunity and weak judicial response

77. The proportion of reported cases that have been prosecuted is small. This is due to the interplay of several factors,[64] including lack of resources and specialization on the part of law enforcement, such as the absence of electronic databases and the need for enhanced forensic capacity. Similarly, where investigation has an international element, such as cross-border trafficking of persons or body parts, complications often arise, highlighting the lack of international law enforcement cooperation. Such factors are detrimental to a coherent judicial response. Police corruption has also been reported as a factor in the unwillingness to prosecute cases.

Inadequacy of domestic law

78. The specificities of attacks against persons with albinism and their relationship to witchcraft have shed light on the inadequacy of domestic laws in some affected States. Criminal law and laws dealing with trafficking in persons often do not take into consideration the practice of trafficking for witchcraft purposes human body parts that are not organs. The key legislative framework, including criminal law, faces several challenges in the prosecution of cases involving the phenomenon of witchcraft, as criminal charges have often been viewed as falling short of capturing the reprehensibility of witchcraft practices and of deterring them. Witchcraft also poses problems for the rules of evidence and fair trial because of the supernatural aspect of the phenomenon. This has often resulted in the use of "the best available" laws, which provide neither adequate criminal charges nor sentences deemed proportionate to crimes of this nature. When charges are deemed weak, sentences are perceived to be lenient, or affordable in the case of fines, and their deterrent capacity is weakened because the perpetrator is still able to foresee an overall gain or profit from his or her crime.

Weak documentation of cases

79. Aside from by a small, though growing, number of civil society organizations, insufficient attention is being paid to research and documentation of cases of attack and discrimination against persons with albinism. This paucity can be attributed in part to the fact that the human rights issues faced by persons with albinism have come to the attention of States and the international community only recently. While the primary duty of documenting crimes and ensuring justice for victims belongs to the State, the indispensable supplementary work of civil society in this regard remains crucial. However, a majority of non-governmental organizations focusing on the issue are relatively new, continue to face resource shortages and are still developing their capacity to carry out research and robustly engage with relevant national, regional and international mechanisms.

80. There is also a pressing need for intense field research into the root causes of and trends in attacks in order for the phenomenon to be adequately understood and adequate measures taken.

[64] See also A/HRC/31/63, para. 22.

III. Conclusions and recommendations

81. The root causes of attacks and discrimination against persons with albinism are found in a combination of factors. Aspects of these root causes, such as poverty and impunity, have already been identified outside the context of attacks against persons with albinism and efforts to tackle them tend to be under way in countries where such attacks are reported. However, deeply rooted myths and, in particular, witchcraft beliefs and practices pose a major challenge that has yet to be addressed. They are a key factor fuelling attacks, yet they are often riddled with secrecy and are deeply entrenched, historically and culturally. Another difficulty with regard to these root causes is the shortage of best practices on the matter, including tackling the many challenges that arise from the link to the supernatural, which can complicate evidence-gathering in the framework of a legal approach. The phenomenon certainly calls for further study and a creative but balanced approach, to curb or mitigate its negative implications for human rights, while protecting freedom of belief.

82. The recommendations below, with the exception of those on witchcraft, have been identified through wide consultation with relevant stakeholders. They were identified by the 150 participants, including participants from civil society, government and national human rights institutions, in the Consultative Forum: Action on Albinism in Africa, hosted by the Independent Expert in Dar es Salaam, from 17 to 19 June 2016.

83. The Independent Expert makes the following recommendations to States affected by attacks against persons with albinism:

Public education

- Ensure sustained and uninterrupted multi-year-long efforts in public education on albinism, particularly in rural and remote areas, as well as border communities, to provide relevant information about albinism, including the scientific reasons behind albinism, as well as on the human rights of persons with albinism;
- Ensure that public education campaigns address witchcraft-related practices affecting persons with albinism, particularly those leading to human rights violations. Such campaigns should also stress the reprehensible nature of these practices;

Legal action

- If necessary, review the legislation governing witchcraft-related practices to ensure that it is unambiguous in upholding human rights and is protective of vulnerable groups such as persons with albinism, while affirming the fundamental right to belief, which includes belief in witchcraft;
- Ensure that the practice of using body parts for witchcraft-related practices is adequately and unambiguously criminalized in domestic legislation;
- Consider regulating the practice of traditional medicine where ambiguity exists, in practice, between witchcraft on the one hand and traditional, herbal or alternative medicine on the other. Such regulation might include an effective monitoring mechanism that reaches rural, remote and border areas, particularly where attacks against persons with albinism have been reported;

- Ensure that any act of discrimination against persons with albinism is adequately and proportionally sanctioned, including by considering "colour" as a ground of discrimination under domestic legislation;
- Consider issuing practice directives and guidelines to complement and clarify existing laws and to facilitate the investigation and prosecution of cases of attack, particularly if the existing legislation needs to be reviewed to address the complexity of attacks against persons with albinism;
- Designate, if necessary, law enforcement officials and prosecutors dedicated to cases of attack against persons with albinism, to improve accountability and reduce impunity.

Poverty

- Continue adopting measures to address poverty, in light of the 2030 Agenda for Sustainable Development, which pledges to leave no one behind, including persons with albinism;

Reasonable accommodation for visual impairment

- Provide reasonable accommodation for visual impairment as well as adequate protective measures against attacks on persons with albinism in schools and at places of work;

Health intervention

- Improve access to health care for persons with albinism, with particular focus on affordable or free sun protection products and skin cancer treatment. Such a health programme ought to be accessible to persons in rural or remote areas at little or no cost to them. The training of community health nurses and the use of mobile clinics have been identified as best practices in this regard;

Cross-border crime

- Strengthen cross-border police cooperation through bilateral and multilateral agreements to better tackle trafficking in persons and body parts.

84. The Independent Expert also recommends that affected States and civil society, in close cooperation, systematically gather data and information on attacks against persons with albinism and conduct relevant studies with emphasis on trends and forms of attack, cases of discrimination and root causes, since data and research on this topic remain relatively scarce.

85. The Independent Expert also recommends that the international community continue to support States and civil society working on this issue, including through capacity-building, particularly in the area of investigative research and forensic science. Another key area needing support is the implementation of protective measures, including those already identified by a multiplicity of stakeholders, including persons with albinism from various countries of the African region, at the recently concluded Consultative Forum: Action on Albinism in Africa.